GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

School Education-Aided-Request for approval of Aided Teaching posts in various R.C.M Aided School, Parvathipuram,Vizianagaram District under the Management of Diocese of Srikakulam-Proposal-Received-Permission for approval of certain selection/absorptions where the process of the recruitment had already been commenced prior to ban in Aided Schools-Pursuant to the initial permission granted-Orders-issued.

==========

SCHOOL EDUCATION (SE) DEPARTMENT

G.O.MS.No. 61 Dated: 28-07-2017

Read the following:-

1 G.O.Ms.No.1,Education, dated 01.01.1994 and amendments issued from time to time.
2 W.P.No.22135/2003. , dated 27.07.2004 of the Hon'ble High Cou of A.P.
3 Govt., Memo.No.12080/CoSE/A2/2004-4,dated 20.10.2004
4 Govt., Memo.No.8544/PS.1/2005-3,dated 14.11.2005.
5 W.P.No.3970/2006 dated 11.06.2008 of the Hon'ble High Court of A.P
6 Hon'ble Apex Court orders in SLP 9541/07, dated 06.09.2011
7 Lr.Rc.No.579/PS-I/2006,dated 12.02.2015 and 25.07.2016 of CSE,A.P,Ibrahimpatnam,Vijaywada.

***

ORDER:-

The District Educational Officer, Vizianagaram District, vide Lr Rc.No.78/B1/2003,dated 06.08.2003 has accorded permission to the Management of Diocese of Srikakulam to fill up 20 vacant aided posts in R.C.M.Aided Schools, Parvathipuram, Vizianagaram duly following rules under G.O.Ms.No.1,Edn, dated 01.01.1994, accordingly, the District Educational Officer, Vizianagaram has appointed the departmental nominee. Subsequently, the Management have issued notification on 10.08.2003 and conducted test and interview on 29.08.2003 and 30.08.2003 and selected (17) candidates. The Departmental Nominee & APC,DPEP,Vizianagaram submitted a detailed report dated 20.08.2003, to the District Educational Officer, Vizianagaram, wherein he reported that the selections process was done as per the G.O.Ms.No.1,Edn,dated 01.01.1994 and recommended the authority for issuance of appointment orders to the selected candidates. The (17) individuals were issued intimation letters and appointment orders without getting approved from the competent authority as per existing rules and the individual are working from 10.09.2003.

2. But, due to the adverse publication in the local news papers on certain irregularities, the District Educational Officer has conducted enquiry into the selection made by the Management and confirmed that the exams were conducted properly. The Collector, Vizianagaram, is not satisfied with the report of the District Education Officer and ordered for re-enquiry by the Sub-Collector. Basing on the enquiry report, the Collector, Vizianagaram has cancelled the selections and ordered for re-conduct of selections. Aggrieved by these orders, the Management has approached the High Court and filed W.P.No.22135/2003. The Hon'ble High Court in its order dated 27.07.2004 has issued the following orders:

> "If they are any irregularities, it is open for concerned authorities under A.P.Education Act and rules framed their under to appropriate action".

Contd..2

3. In pursuance of the orders of the Hon'ble High Court of A.P, the Regional Joint Director of School Education,Kakinada, has enquired the matter and found that the process is in accordance with rules and the Management observed the procedure laid down in the said rules. Meanwhile, the Management and selected candidates have approached the Hon'ble A.P.High Court for not approving their selections. The Hon'ble High Court of A.P vide it's order W.p.No.3970/2006 dated 11.06.2008 has passed the following orders:

> Xxx
>
> The Writ Petition is disposed of directing the respondents to take a final decision in the matter of according approval for the appointments said to have been made by the 1st petitioner within a period of two months from the date of receipt of copy of this order. There shall be no order as to costs.

4. The selection of (17) Teachers was not approved, as the ban was imposed by the Govt., on the aided schools appointments in Govt., Memo.No.12080/CoSE/A2/2004-4,dated 20.10.2004. However, the Hon'ble Apex Court in SLP 9541/07, dated 06.09.2011 has passed the following orders:

> "Having considered the submissions made on behalf of the respective parties we are of the view that no interference is called for with the judgment and order of the Division bench of the High Court. There is no dispute that the Memo. dated 20th October, 2004, imposing a ban on recruitment to grant-in-aid posts was issued after the schools in question had been given permission by the State authorities to fill up the vacant posts in the schools being managed and run by the writ petitioners, who are the respondents in these Special Leave Petitions. There is also no dispute that the said Memo. was not given retrospective effect so as to negate the approval already given for filling up the grant-in-aid posts. The State Government and its authorities could not, therefore, contend that the rationalization process which had been introduced would also apply in respect of the private aided schools, where the process of recruitment had already been commenced pursuant to the approval granted earlier."

5. In pursuant to the above Hon'ble Supreme Court of India orders, Govt., absorbed/selected certain teaching/non-teaching staff in aided schools, where the process of recruitment had been commenced prior to ban memo. i.e. 20-10-2004 vide G.O.Ms.No.27, dated 23.4.2012, G.O.Ms.No.85, dated.20.09.2012 etc., Further, as per the orders of the Supreme Court of India, orders were also issued for rationalization vide G.O.Ms.No.40, 18.06.2013.

6. The Commissioner of school Education,A.P, in the reference 7th read above, has stated that the instance is also come under the purview of the Hon'ble Supreme Court of India orders in SLP No.9541 of 2007, dated 6.9.2011. The Commissioner of School Education, has also stated in the instant case, the selection process for appointment of the teachers was started prior to the ban Memo. i.e 20.10.2004. However, in the S.L.P.No.9541 of 2007, the Management (Srikakulam Diocese Society) was not the petitioners. However, in the W.P.No. 3970/06,dt.11.06.2008, the Hon'ble Court has ordered for approval of the selections made by the Ist petitioner i.e, Management within 2 months of time.

7. The District Educational Officer, Vizianagaram, in her Lr.Rc.No.38/734/2015,dated 28.06.2016 has informed that the Sl.No.(1) Sri G.S.Prakash Rao,SGT was expired, the S.No.(10) T.Sandhyarani,SGT and S.No.(11)Victoria Francis,(SGT) had not reported to duty so far. As per the report of Srikakulam Diocese Society, dated 14.08.2015, the individual at S.No.(9) (K.K.Saraswathi) is not figured in their list.

Contd..3

8. In the circumstances reported by the Commissioner of School Education, A.P, and after careful examination of the matter in the light of the Judgment of the Hon'ble Apex Court in the reference 3rd read above, Government hereby direct the Commissioner of School Education, A.P to approve the appointments of following (13) Aided Teachers from the date of their joining in duty:

S.No.	Name of the candidate	Qualification	Selected for the post
1	M.Narayana Rao	B.A.,B.Ed.,	SGT
2	A.Kishore Kumar,	B.Sc., B.Ed	SGT
3	L.Sreenivasu	B.A., B.Ed;	SGT
4	J.Govinda Raju,	M.A., T.T.C	SGT
5	Y.Ch.Raju	B.Sc., B.Ed;	SGT
6	B.V.T.Sanyasi Rao	B.Sc., B.Ed;	SGT
7	B.Bharati	B.Sc.,B.Ed.,	SGT
8	K.V.S.Lakshmi	B.A., B.Ed.,	SGT
9	B.Dasu	B.A.,T.P.T	SGT
10	M.V.Vigi	HPT-B.A,Vidhvan	Grade II HP
11	B.Chiranjevi Rao	B.A., B.P.D	PET
12	P.S.N.Satish	SSC, TTC, Craft	Craft
13	Y.Ramu	B.A., T.T.C	Drawing

9. The Commissioner of School Education, A.P,Ibrahimpatnam shall take necessary action accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYANATH DAS
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

The Commissioner of School Education, A.P,
Ibrahimpatnam,Vijayawada,Krishna Dist.,
Copy to:
Regional Joint Director of School Education, Kakinada,E..G.District.
District Educational Officer, Vizianagaram District.
Finance Deptt.,
Law Deptt.,
G.P for School Education, A.P.High Court, Hyderabad.
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER